

Notice of Allowability

Application No.

10/666,990

Examiner

Joshua L. Pritchett

Applicant(s)

OLSZAK ET AL.

Art Unit

2872

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed May 26, 2006.
2. ☒ The allowed claim(s) is/are 2-7, 17, 19-24 and 34.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

This action is in response to Amendment filed May 26, 2006. Claims 2, 6, 19 and 22 have been amended as requested by the applicant.

Response to Arguments

Applicant's arguments, see Amendment, filed May 26, 2006, with respect to claim 2 and 19 have been fully considered and are persuasive. The rejection of claims 2 and 19 has been withdrawn. Applicant argues that the prior art fails to teach or suggest a plurality of discrete microscope arrays arranged in rows with the rows being staggered with respect to the motion of the scan.

Allowable Subject Matter

Claims 2-7, 17, 19-24 and 34 are allowed.

The following is an examiner's statement of reasons for allowance:

Regarding claims 2 and 19, the prior art of record fails to teach or suggest a plurality of discrete two-dimensional microscope arrays for scanning along a single linear motion of scan, each microscope array being configured to image the object with a plurality of optical elements arranged in rows, the rows being staggered with respect to the motion of the scan such that each

Art Unit: 2872

of the optical elements images a respective continuous strip of the object along the motion of scan, the continuous strips imaged by all other optical elements of the plurality of optical elements; a scanning mechanism for producing the scan as a result of relative movement between the microscope arrays and the object along the single linear motion of scan; image sensors corresponding to the microscope arrays for capturing image data representative of respective images of the object imaged thereby; and a mode implementation system for combining the image data captured by the image sensors during the scan of the scanning mechanism; wherein the scan is implemented through the single linear motion of scan across the object, the microscope arrays are configured to operate according to different modes of operation of the imaging system and produce correspondingly different images of the object during the scan of the scanning mechanism and the microscope arrays sequentially scan and image a same area of the object during the scan of the scanning mechanism.

The examiner interprets “staggered” in light of the specification and the drawings. The examiner interprets “staggered” to mean that the center of the optical elements for each subsequent row is offset from the center of the optical elements of the previous row as specifically shown in Fig. 14A.

The remaining claims depend from claims 2 and 19 and are allowable for the same reasons.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lange (US 2004/0027688) teaches the use of staggered detector arrays over a sample (Figs. 4 and 5), but fails to teach staggered rows of optical elements.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua L. Pritchett whose telephone number is 571-272-2318. The examiner can normally be reached on Monday - Friday 7:00 - 3:30.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew A. Dunn can be reached on 571-272-2312. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/666,990
Art Unit: 2872

Page 5

JLP 


DREW A. DUNN
SUPERVISORY PATENT EXAMINER